

REMARKS

At the time the current Official Action was mailed, the Examiner rejected claims 1-21 and 23-25. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-21 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Buxton (U.S. Patent No. 6,182,279, hereinafter “Buxton”) in view of Qureshi (U.S. Patent No. 5,758,154, hereinafter “Qureshi”), in view of “The Windows NT Command Shell” by Tim Hill (hereinafter “Hill”), and further in view of Applicant’s Admitted Prior art (hereinafter “AAPA”). Applicant respectfully traverses this rejection.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Embodiments of the present technique are directed to a method to provide command line utility output to an application without using temporary files. Specification, page 2. Specifically, each of the independent claims recite, *inter alia*, a “command line utility”, an application providing “an identifier in the call” of the command line utility, storing or having a “system storage” having a location to store the output of the command line utility, and retrieving or

having the “application” retrieve the “command line utility output” from the “system storage.” Further, each independent claim also recites “wherein the command line utility is a utility executable from a command line prompt.”

Applicants note that the Examiner has maintained use of the previously cited references, Buxton and Qureshi, while adding Hill and AAPA to reject claims 1-21 and 23-25. Applicants maintain that, as previously argued, Buxton and Qureshi do not disclose all features of independent claims 1, 10, and 15. Further, Applicants assert that there are several deficiencies with the cited references and with the asserted combination. Thus, the deficiencies of each reference and the combination will be addressed below.

Deficiencies of Buxton

As previously argued in both the Response To Final Office Action mailed May 23, 2007 and the Pre-Appeal Brief Request for Review mailed July 23, 2007, Buxton does not disclose a “utility,” or a “command line utility” as recited in independent claims 1, 15, and 21. The Examiner cites “OLE libraries” and “system-level services” as disclosing “invoking a utility.” Office Action, page 3. As *clearly* stated in Buxton, OLE libraries are “***system-level services*** in accordance with the OLE specification 2.0.” Buxton, col. 8, lines 6-8. (Emphasis added). Further, such OLE libraries utilize and call “WIN32 APIs.” *Id.*, col. 8, lines 8-11. As stated in Buxton, APIs are “application program interfaces.” *Id.*, col. 7, lines 59-60. As would be clear to one having ordinary skill in the art, “application program interfaces” and “system-level services” are quite different than a “utility,” especially a “command line utility” that is “a utility executable from a command line prompt” as recited in the independent claims. Neither “application program interfaces” nor “system-level services” are “executable from a command line prompt.” Additionally, even if Buxton disclosed a “utility,” it clearly ***does not*** disclose a “command line utility” as recited in independent claim 1, 15, and 21. Further, Applicants strongly object to any attempts by the Examiner to separate the term “utility” from the modifier “command line.” A “command

line utility” is a specific term recited in independent claims 1, 15, and 21 and supported in the specification as “a utility executable from a command line prompt.” Applicants assert that the Examiner cannot disclose a “command line utility” by citing a reference that discloses a “utility” and does not mention the entire term “command line utility.”

Deficiencies of Qureshi

With regards to Qureshi, the Examiner has not made any attempt to state what, if any, of the present claim features are disclosed by Qureshi. The Examiner states that Qureshi discloses “an application call to a registration routine via system calls, to store an identifier in the registry.” Office Action, page 3. While the Examiner’s characterization of Qureshi may be correct, Applicants respectfully submit that Qureshi does not disclose any of the claim features of claims 1, 15, and 21. As stated in Qureshi, Qureshi discloses a registration routine implemented in a “registration DLL.” Qureshi, col. 8, lines 1-3. As known to one having ordinary skill in the art, a DLL is a “dynamic link library.” A DLL, and the routines accessible within a DLL, are *far different* than a “command line utility” that is a “utility executable from a command line prompt” as recited in the present independent claims. Further, Qureshi *does not mention* the words “command line,” “utility,” or “command line utility.” Thus, Applicants remain confused as to which claim features, if any, the Examiner believes Qureshi is disclosing. As such, Applicants assert that Qureshi does not disclose any claim features of independent claims 1, 15, and 21.

Deficiencies of Hill

Turning now to Hill, the Examiner states that Hill discloses “WindowsNT shell commands” and “pipe redirection.” Office Action, page 4. Further, the Examiner states that “it would have been obvious at the time of the invention, to modify the method/system/storage device, as disclosed in AAPA, FIG. 1...using WindowsNT known redirection and piping commands, because piping the output of a script command, to be used as an input to a registry edit command is an efficient use of resources.” *Id.*, page 8. Applicant respectfully asserts that the Examiner misstates and/or misunderstands the

function of the redirection and pipe commands disclosed in Hill. The redirection command “>” referred to in Hill redirects the output of a command line utility to a file. Hill, pages 10-11. As discussed in the specification of the present Application, redirecting or “piping” to a file is undesirable for a number of reasons and is clearly different than the subject matter recited in independent claims 1, 15, and 21. Application page 1. Further, the Examiner acknowledged that redirecting to a file is different than the present Application by noting that “Applicant claims novelty in providing a mechanism by which an application program may obtain output from a command line utility *without the need to create a temporary file.*” Office Action, page 8. (Emphasis added).

Similarly, the “pipe” command “|” referred to in Hill “pipes” or “redirects” the output of a command line utility to *another command line utility*. Hill, page 11. The pipe command is well-known in the art and is used to string together command line utilities, as illustrated in the examples in Hill. *Id.* As clearly set forth in the independent claims, such as independent claim 1, Applicants recite “invoking a command line utility by an application,” “storing the command line utility output in a system storage at a location identified by an identifier,” and “retrieving the command line utility output from the system storage at the location identified by the identifier.” Neither the redirect command (redirects to a file) nor the pipe command (redirects or pipes to another command line utility) disclose these claim features, or the similar claim features of independent claims 15 and 21. Thus, neither of these two commands disclosed in Hill disclose the recited features of independent claims 1, 15, and 21.

Deficiencies of the Combination

Finally, the Examiner attempts to provide a combination that renders obvious independent claims 1, 15, and 21 by stating that “it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method/system/storage device as disclosed in AAPA, FIG. 1, to overcome the possible disadvantages noted above, as related to creating a temporary file, using WindowsNT known redirection and piping

commands, because piping the output of a script command to be used as an input to a registry edit command is an efficient use of resources...[t]he results are as expected.” Office Action, page 8. As stated above, neither the redirection nor piping commands disclosed in Hill allow piping to a system storage location such as a registry. Additionally, Applicants object to the Examiner’s assertion that piping the output of a script command to a registry edit command is obvious because it is an efficient use of resources. The Examiner’s statement is conclusory and simply assumes that because Applicant’s claims are an efficient use of resources, they must be obvious. Applicants believe that, at best, such a statement is an impermissible use of hindsight and simply seeks to provide an obviousness rejection where no such conclusion is supported by the cited references. Further, in addition to the deficiencies described above with regard to the cited references, Applicants assert that the Examiner did not point out or cite any reference that discloses “retrieving” or “causing the application to retrieve” the command line utility output from the storage or location identified by the identifier, as further recited in independent claims 1, 15, and 21.

Accordingly, Buxton, Qureshi, Hill, and AAPA, taken alone or in combination, do not disclose each and every feature recited in the present independent claims, nor has the Examiner set forth a proper basis for combining the references in the manner recited. As such, whether taken alone or in combination, the cited references do not render obvious independent claims 1, 15, and 21 and the claims dependent therefrom.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

General Authorization for Extensions of Time and Payment of Fees

In accordance with 37 C.F.R. § 1.136, Applicant hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicant authorizes the Commissioner to charge the appropriate fee for any extension of time to Deposit Account No. 06-1315; Order No. MICS:0194/FLE/MAN. Further, the Commissioner is authorized to charge any other fees that may be due at this time or at time during the pendency of this application to the Deposit Account listed.

Respectfully submitted,

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